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No._____

IN THE

SUPREME COURT OF THE UNITED STATES

STEPHANIE S. ACTON,

**Petitioner*

vs.

CITY OF EATON: LESLIE RENNER, DAVE DAILY, PHILLIP ROMEO, JOHN PETRY; PAT TAYLOR, City Mayor and Treasurer of P.C. Youth Foundation; PREBLE COUNTY: CHRISTOPHER B. WASHINGTON; PC. Prosecutor, REBECCA FERGUSON; P.C. Sheriff TOM HAYES; HONORABLE WILFRED G. DUES, Judge of P.C. Court of Common Pleas and Founder of P.C. Youth Foundation; PARKER-HANNIFIN CORPORATION: WAYNE PINKSTAFF, JENNY HADDUX; SAMARITAN BEHAVIORAL HEALTH, INC., LORI MARCELLINO, Psy.; PREBLE COUNTY YOUTH FOUNDATION; PREBLE COUNTY MEDICAL CENTER: HAROLD ALLEN FERGUSON, DO., MARK STEVEN VOSLER, DO. and P.C. Health Commissioner.

Respondents,

On Petition for Writ of Certiorari to the United States Court of Appeals For The Sixth Circuit

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PETITION FOR WRIT OF CERTIORARI

STEPHANIE S. ACTON, *Pro Se
3045 US 35 West
Eaton, Ohio 45320

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QUESTIONS PRESENTED

Stephanie S. Acton, Petitioner, Pro Se, filed a civil rights complaint on April 4, 2003, in United States District Court for the Southern District Western Division. Case number 03-*00116* is styled as *Stephanie S. Acton v. City of Eaton, et al.*

On October 9, 2003, docket 81, Petitioner was granted 60 days extension of time by Honorable Michael R. Merz. Following Rule 34, V (a) and (b), of Federal Rules of Civil Court, Ms. Acton sent letters by mail to Defendant lawyers wherein Petitioner requested specific records possessed by numerous Defendants.

Contrary to Honorable Michael R. Merz' assumption, as stated within his order, that Ms. Acton sought records only pertaining to specifically Defendant lawyer, Mark Schumacher, when in fact, Ms Acton requested information pertaining to Defendant Judge "Bill" Dues' multi-million-dollar-long-term-local-tax-revenue-increasing-money-making-business-plan from each one of his defendant business partners including, but not limited to Defendant City of Eaton, Defendant Preble County, Defendant Preble County Medical Center, Defendant Dr. Allen Ferguson, Defendant Dr, Mark Vosler, Defendant Parker-Hannifin Corporation, and "Bill" Dues' Defendant Preble County Youth Foundation.

As suggested by Honorable Merz and required in Rule 34, V (a) and (b), Ms. Acton allowed all defendant lawyers 30 days time to respond. Ms. Acton received no verbal or written response from any one Defendant lawyer. Therefore, Ms. Acton would need to have submitted petition to the court for court order release of those records as provided under Rule 37, V (a), V (a) (1), V (a) (2) (A) and (B).

Stephanie S. Acton, Petitioner, Pro Se, is aware that, as Movant, the burden of proof lies on her shoulders. Further, Ms. Acton can reasonably deduce, as well as can any other reasonable and intelligent person or judge, that no defendant, nor their lawyer, would willfully give over possession of any specific documents or testimony to the Plaintiff or the Court that would further substantiate Ms. Acton's claims of civil rights violations against each defendant, without first a compulsory court order to do so.

Hence, following Rule 34 as suggested by Honorable Merz, Ms Acton was preparing to move on provisions under Rule 37, and submit to Honorable Michael R. Merz' court, a Petition for Discovery and for court order release of specific documentation relating to the Defendant Judge "Bill" Dues' multi-million-dollar-long-term-local-tax-revenue-increasing-money-making-business-plan/deal possessed by the numerous defendants, who each acted independent of one another, and jointly with one another, to conspire retaliation against Ms. Acton, who spoke about corruption involving many of the Defendants at a public meeting, and to act in such away as to cause Ms. Acton to suffer injury that ultimately denies Ms. Acton her Constitutional rights.

Further, Ms. Acton would have also requested compulsory court order to release related documentation from former Preble County Commissioners, John and Eleanor *Hake*, also formally of *Daily and Hake Realtors, Inc.*, who *donated* the initial three acres of farm land for the Defendant Judge "Bill" Dues" plan/deal to build upon. Of course, there would be the rezoning issues addressed by both Defendant Preble County and Defendant City of Eaton, but those issues, of course, would be resolved with no problem and would be of public record.

To actually get his/their plan/deal set into motion, Defendant Judge "Bill" Dues needed $3.3 million from area lending institutes. Those institutes are the Eaton Nat'l Bank & Trust Co., Fifth Third Bank, First Nat'l Bank of

Southwestern Ohio, First Nat'l Bank, Somerville Nat'l Bank, Twin Valley Bank, and U.S. Bank. Ms. Acton would have requested compulsory release of all documentation relating to Defendant Judge "Bill" Dues' multi-million-dollar-long-term-local-tax-revenue-increasing-money-making-business-plan/deal possessed by each of these lending institutions.

This loan for $3.3 million was added to the $2.1 million dollars from private sources of which also include, John and Eleanor *Hake*, Defendant Parker-Hannifin Corporation, Kettering Medical Center Network, Defendant Dr. Allen Ferguson, and Defendant Dr. Mark Vosler and his wife whose maiden name is Peggy *Hake*.

Ms. Acton would request compulsory release of those records, as provided under Rule 37, as they would be possessed by Defendant Preble County Youth Foundation, Defendant Dr. Allen Ferguson, Defendant Dr. Mark Vosler and Defendant Parker-Hannifin Corporation, as well as, all mentioned contributors who are non-Defendants.

The "economic impact from the center is expected to generate $30 million during the first five years," according to Defendant Judge "Bill" Dues in a Dayton Daily Newspaper article written by Cathy Mong, of cathy_mong@coxohio.com, as he bragged about how successful his/their plan for the community had become.

Ms. Acton would request compulsory release of records, as provided under Rule 37, from Defendant Judge "Bill" Dues in relation to, not only the first five years, but for the long term of his and other Defendant's multi-million-dollar-local-tax-revenue-increasing-money-making-business-plan/deal.

Ms. Acton had 10 days remaining of her granted 60-day time extension, yet she was denied the opportunity to submit a motion, petition, or request court order for release of

records, or for subpoena to appear for those who "don't want to get involved" voluntarily.

Moreover, Ms. Acton would have requested the release of records from each Defendant containing all the details of Defendant Judge "Bill" Dues' plan/deal for which Ms. Acton has suffered unjustly from at least March 8, 2001, and continues to suffer from to this day.

It was then when Defendant Judge Dues made a calculated choice to abuse his judicial power to protect his/their plan/deal by manipulating certain provisions under ORC 5122. (Refer to Appendix I on pages 71-76), for the purpose of protecting his/their personal financial gain, a blatant violation of Canon 3 as it appears in Appendix E on pages 62-65. Hence his choice to illegally arrange for Ms. Acton to be detained in a forensic mental hospital was a choice that legally renders void his immunity from civil complaint and his responsibility of financial recompense to Ms. Acton for the injury she suffered, and continues to suffer to this day because of Defendant Judge Dues' illegal actions, both as a judge and as Defendant Preble County Youth Foundation president.

It was then, March 8, 2001, when Eaton Police Chief Defendant Phillip Romeo submitted malicious and vexatious false affidavit to essentially create a fictitious criminal mental status of Ms. Acton. Choosing to knowingly swear to a falsehood, conspiring to swear to a falsehood, and complicity to create a falsehood to injure Ms. Acton is illegal. Defendant Phillip Romeo made a choice that renders void his immunity from civil complaint as well as his responsibility of financial recompense to Ms. Acton for the injury she suffered and continues to suffer to this day because of his illegal actions.

Furthermore, his choosing to knowingly swear to a falsehood, conspiring to submit a false affidavit, and complicity to create a fictitious criminal mental status of Ms. Acton dishonored his policeman's badge. But moreover,

Defendant Phillip Romeo's involvement in the conspiracy to protect Defendant Judge "Bill" Dues business plan, and his complicity to assist in the illegal actions designed to protect Defendant Judge Dues' plan, and his vexatious efforts to submit a false affidavit in retaliation to Ms. Acton for voicing her allegations of his involvement in corruption, subsequently denying Ms. Acton her civil rights, and maliciously causing Ms. Acton to suffer long term injury, also disgraced his military status.

Hence, for Defendant City of Eaton, Defendant Dave Daily, Defendant Pat Taylor, Defendant John Petry, as well as, Defendant Phillip Romeo, to claim protection from civil suit under The Soldiers' and Sailors' Act is outrageous as it would blaspheme the essence of what our country is all about.

The disconcerting thing about Defendant Phillip Romeo's illegal actions is that he chose to do these things during such a crucial pending time as now when our nation's military efforts are to support and uphold democracy and liberty to be seen before the entire world! How more blatantly hypocritical, disgraceful, and sabotaging to this country's liberty can his illegal actions be, illegal actions that are very similar to those of terrorists, working independenly and jointly with other Defendants, who intentionally retaliated against Ms. Acton, caused injury to Ms. Acton and deprived her of her rights by punishing her for expressing them in the first place.

It was then, March 8, 2001, when Defendant Parker-Hannifin Corporation submitted to the City of Eaton intentionally misleading and false witness to further fuel the conspired created fictitious perception of a criminal mental status of Ms. Acton, an illegal choice that carries with it grounds for a civil complaint and for financial responsibility for injury suffered by Ms. Acton, who continues to suffer to this day because of the illegal actions of Parker-Hannifin and its agents, Jenny Haddux, Wayne Pinkstaff, and Jeff Beier.

It was then, March 8, 2001, when Defendant Preble County Sheriff Tom Hayes conspired with other Defendants and entered into complicity thereby submitting false and intentional misleading documentation to also substantiate the fictitious perception that Ms. Acton was mentally ill with criminal intent. Choosing to conspire, entering into complicity, and submitting falsehoods and misleading documentation is illegal, an illegal choice that renders void Defendant Preble County Sheriff Tom Hayes' immunity from civil complaint as well as from his responsibility for financial recompense to Ms. Acton for the injury Ms. Acton suffered then and still suffers from to this day because of his illegal actions.

It was then, March 8, 2001, when Defendant Preble County contracted Defendant Samaritan Behavioral Health's psychologist, Defendant Dr. Lori Marcellino, who knowingly and maliciously submitted false affidavit to further substantiate Defendant Phillip Romeo's false affidavit. Conspiring to submit, entering into complicity, and submitting this false affidavit is a choice that carries with it grounds for civil complaint and financial responsibility for the injury Ms. Acton suffered and continually suffers from to this day because of the irresponsible actions of Samaritan Behavioral Health and because of the illegal actions of Defendant Lori Marcellino.

Although Ms. Marcellino lacks the licensing of a medical doctor, she is a "doctor" of psychology. Further, Lori Marcellino is quite aware that, predictably, the induced mental torture Ms. Acton would experience when being detained in a state forensic mental facility with those who truly are criminally insane, when in fact Ms. Acton was not, could effectively cause mental disorder such as, at the very least, Adjustment Disorder, as Lori Marcellino can attest to, environmental stressors will induce mental disorder.

Moreover, it was then March 8, 2001, when Preble County Prosecutor Defendant Rebecca Ferguson's fax was

used, just as she had conspired with Dues and those included in the Dues' plan, Ms. Ferguson entered into complicity, and she created the fictitious information and hearsay that it contained. It was intended to be possessed by and then used by Defendant Police Chief Romeo to further substantiate the created fictitious perception that Ms. Acton was acting criminally "crazy" while in the courthouse as she was requesting copies of public record.

Defendant Rebecca Ferguson's false hearsay fax, presented to and accepted as evidence by Dues, was maliciously intended to not only hospitalize Ms. Acton, but it was also intended to viciously cause great injury, designed to be emotional sabotage, and further to induce long term mental stress to Ms. Acton.

More importantly, however, Defendant Preble County Prosecutor Rebecca Ferguson's calculated choice to fax unsubstantiated and untrue *proof* of Ms. Acton's alleged criminal mental status was also designed to protect all of those defendants included in the Dues' plan, to put a stop of Ms. Acton's pursuits in the Ohio Industrial Commission hearing, as well as, further public rendering of the circumstances and particulars of the insurance fraud to avoid OSH A, thereby protecting Defendant Parker-Hannifin and Defendant Dr. Mark Vosler.

But most important of all, Defendant Rebecca Ferguson intended her fictitious memorandum to be used to stop Ms. Acton from pursuing justice for herself, as well as other Parker employees. Ms. Acton's righteous agenda could have proved detrimental to Defendant Judge Dues' plan which would have not only negatively effected her bosses, Defendant Preble County Commissioners' future tax revenue, but it would have also drastically affected the future tax revenue of the City of Eaton.

Moreover, and equally as important, Ms. Ferguson chose to enter into complicity and involved herself in the

conspiracy to illegally detain Ms. Acton, thereby shutting Ms. Acton's mouth, because to do so could also drastically effect Defendant Rebecca Ferguson's family financial future, yet another illegal choice that blatantly violates Rule 3.6 and 3.8 of Model Rules of Professional Conduct as it appears in Appendix F on page 66. Choosing to involve herself in conspiracy, choosing to enter into complicity, and acting out in such a way as to submit false hearsay to cause injury to Ms. Acton, was an illegal choice that renders void her immunity from civil complaint as well as her responsibility of financial recompense for the injury suffered by Ms. Acton who still suffers to this day because of her illegal actions.

These many Defendants who participated in this gross abuse of power, independently and jointly, arranged for Ms. Acton to be "(ill)"legally caught up in fighting for her rights, fighting to convince psychiatric professionals that she was being truthful, not delusional, that she was actually victimized by these many Defendants, all within the involuntary mental evaluation system. The constitutional rights due to Ms. Acton that were outrageously violated and denied to her, are what Ms. Acton continues to fight for to this very day!

On November 28, 2003, without notice of a change regarding Petitioner's extension of time, on day 50 Honorable Michael R. Merz, of the United States District Court for the Southern District Western Division, filed summary judgment against Petitioner and dismissed Ms. Acton's complaint.

Hence, the question brought before this U.S. Supreme Court relates to the denial of Petitioner's fundamental due process, be she with the disability of mental disorder of some degree, or without.

Ms. Acton, petitioner, Pro Se, had submitted to the court of Honorable Michael R. Merz several hundred copies of documentation, many of which would need Ms. Acton's

explanation of significance, yet Honorable Michael R. Merz apparently assumed his absolute understanding of all those documents, or rather his *unconcern of their understanding*, and issued a final order.

After all, apparently Honorable Judge Merz had "official" reason to believe Ms. Acton was/is criminally "crazy" and surely there would be no substantial merit to her complaint or her need for court compulsory assistance.

Without viewing and understanding pertinent hidden documentation possessed by numerous Defendants such as the long term business plan between Judge "Bill Dues, the City of Eaton, the County of Preble, Parker-Hannifin Corporation, Preble County Medical Center, numerous lending institutes, and John and Eleanor Hake; without hearing deposition testimony from Plaintiff witnesses of whom would need to be subpoenaed, Honorable Michael R. Merz arbitrarily ruled favorably upon the Motions against Ms. Acton, Motions of which Honorable Michael R. Merz could have equally presumed Ms. Acton would desire stayed.

After all, Ms. Acton, pro se, requested an extension of 60 days, not 50 days!

On December 19, 2003, Ms. Acton timely submitted a Petition for Rehearing to the United States Court of Appeals for the Sixth Circuit, case number 04-3095. Honorable Martha Craig Daughtrey, Honorable Deborah Cook, and Honorable Jerome Farris served on the panel that ordered a Denial for Rehearing, thereby upholding Honorable Michael R. Merz' order for Summary Judgment and Dismissal.

After all, presumably Ms. Acton remains "crazy", right? What possible merit could "crazy" pro se Ms. Acton present to any honorable court!

With intent to not rely on any one of any previous interpretations of the constitution, Ms. Acton submits a Writ

of Certiorari to this United States Supreme Court, and merely respectfully expects and requests the equal protection that is provided within the United States Constitution, just as it was intended when it was written and agreed to as the foundation of our country.

Ms. Acton questions the constitutionality of the decisions made by these Honorable Federal Judges whose interpretations were to uphold an order of Summary Judgment and Dismissal of Ms. Acton's case, without first their relying on the legitimate processes of Discovery, as provided in Rule34 and Rule 37, of which Ms. Acton, pro se, is constitutionally entitled?

Is it not a right of Ms. Acton, Petitioner, Pro Se, with the disability of mental disorder to some degree, or without, to participate in and posses a legitimate Discovery prior to a final decision and order by any judge at any level, be it in a municipal jurisdiction, county jurisdiction, state jurisdiction, federal jurisdiction, or Dues' jurisdiction?

Ms. Acton, Petitioner, Pro Se, wishes to regain her constitutional right to discovery, to regain her constitutional right to fundamental due process, as it surely does not interfere with the constitutional rights of Respondents/Defendants and is legitimate, necessary, and pertinent, to allow Ms. Acton the opportunity to possess, present, and explain pertinent presented and especially hidden documentation, as well as enter Plaintiff witness and expert witness testimony, all to further substantiate her allegations of blatant civil rights violations resulting from the independent actions of defendants, as well as the jointly conspired and outrageous abuse of judicial power committed and interdependently involved, by Defendant-Respondents, each and all conspiring to protect his/their multi-million-dollar-plan/deal.